



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,177	08/21/2003	Dimitre K. Baklaian	LIN825	5717
34803	7590	09/22/2005	EXAMINER	
DAVID A. LINGBECK P.O. BOX 500 ST. MICHAEL, MN 55376			ADDISU, SARA	
			ART UNIT	PAPER NUMBER
			3722	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Tth

<b>Office Action Summary</b>	<b>Application No.</b> 10/644,177	<b>Applicant(s)</b> BAKLAIAN, DIMITRE K.	
	<b>Examiner</b> Sara Addisu	<b>Art Unit</b> 3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 8/21/03.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 6-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Specification***

The abstract of the disclosure is objected to because the length of the abstract exceeds the limit of 150 words. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Line 7 and line 30 recite “..bench or the like”.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen (U.S. Patent No. 5,051,044), in view of Gill (U.S. Patent No. 6,280,123) and further in view of Merrell (U.S. Patent No. 4,295,640).

Art Unit: 3722

Allen teaches a tool having a board-like mounting bracket (101) being adapted to fasten to a bench or the like by a chain (115) and having an opening (top of 105) extending from the top to the bottom side to receive a tubular base member (110). Allen teaches the post (110) can be hollow therefore has an open top and bottom end ('044, figure 1 and Col. 3, lines 21-32). Allen also teaches a working tool assembly being securely and removably fastened to tool support member (190) and the tool is moveable by means of gear mechanism.

However, Allen fails to teach the tool support member being movably disposed in the tubular member. Allen also fails to teach a work-piece support member being adjustably fastened in bottom end of the tubular member.

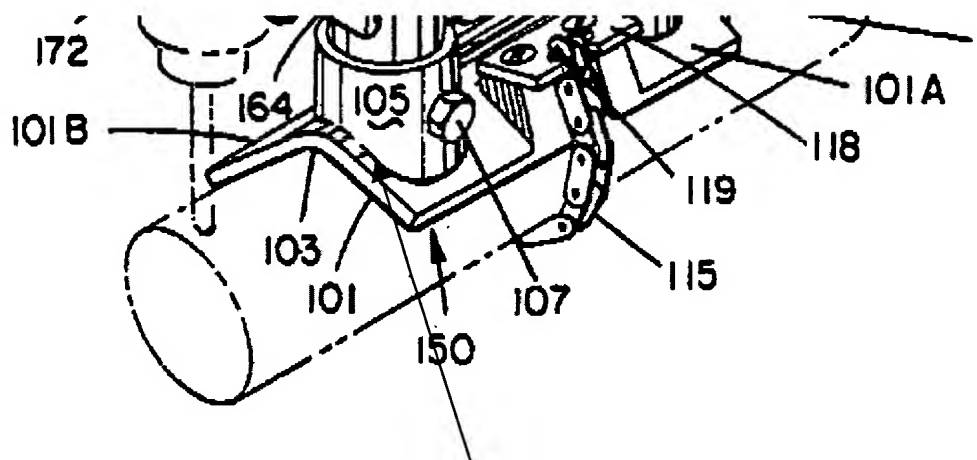
Gill teaches a tubular base member (40) and a working tool assembly being securely and removably fastened to a tool support member (60) and the tool is moveable by means of gear mechanism. Gill also teaches the tool support member (60) being movably disposed in the tubular member (40) ('123, figures 3 and 5). Gill also teaches the tubular base member (40) having a linear groove (opening) (50) disposed through the wall and through an upper edge, and a rectangular aperture (longitudinal slot) (54) in the inner wall surface (42) of tubular member (40).

Merrell teaches a board-like mounting bracket (16) having an opening and a threaded bore disposed in an end wall and opening as well as a hole being adapted to receive a fastener (18) for fastening the board-like mounting bracket (16) to a base (14) ('640, figures 1 and 2). Merrell also teaches the bracket assembly having an elongate

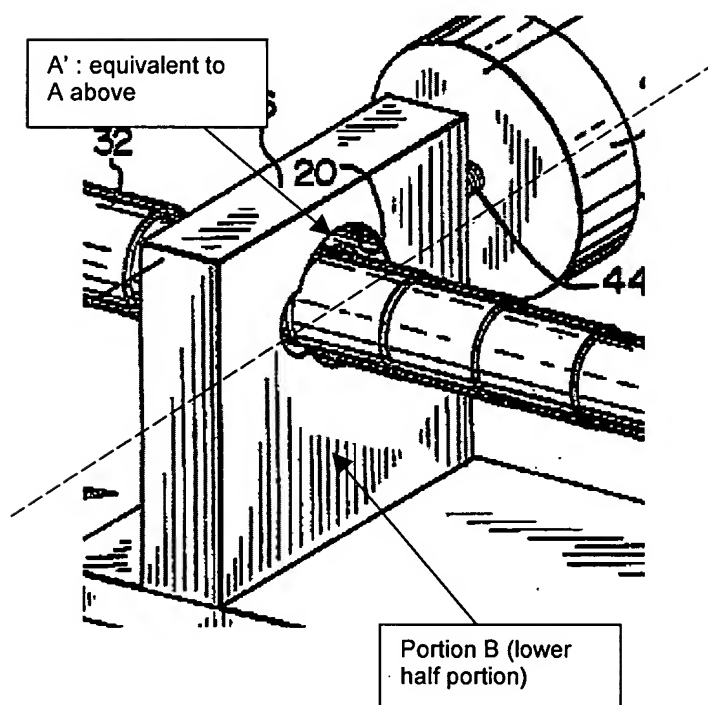
Art Unit: 3722

fastening member (40) having a threaded shaft (44) and a handle (42). Furthermore, Merrell teaches a workpiece support member (12) having a cylindrical member being engaged with the elongate fastening member (40) ('640, figure 2), a handle member (near 32) and extension wall (30 since mandrel 12 has stepped portions).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Allen's invention such that the tool support member is movably disposed in the tubular member, as taught by Gill for the purpose of guarding the tool as well as to act as a guide member for improved accuracy. It would have also been obvious to one of ordinary skill in the art at the time of the invention was made to modify Allen's invention such that a work-piece support member being adjustably fastened in bottom end of the tubular member (Examiner is considering anything contacting the curved portion A to be "in the bottom end of the tubular portion": see below. This means the modified device of Allen would incorporate portion B since the curved portion A' of Merrell's invention is equivalent to A of Allen's invention), as taught by Merrell for the purpose of securing the workpiece in a stable manner.



A: Curved portion underneath opening of 105



Art Unit: 3722

***Allowable Subject Matter***

Claims 6-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

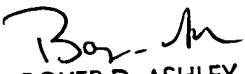
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Addisu at (571) 272-6082. The examiner can normally be reached on 8:30 am - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sara Addisu  
(571)272-6082

SA  
9/19/05

  
BOYER D. ASHLEY  
PRIMARY EXAMINER